

Alternative language for Item 23
“Police and Community Relations Action Items”
Berkeley City Council Meeting, February 24, 2015
Submitted by Councilmember Max Anderson

1. Require the BPD to publish the first Fair and Impartial Policing report no later than August 1, 2015.
2. Research and analyze the performance of the Drug Task Force.
 - a) Review the purpose and practice of the BPD Drug Task Force (DTF), a specialized unit patrolling primarily South Berkeley to, in the department’s words, “provide a high profile presence.”¹
 - b) Examine the relative rates of drug usage in various communities of color and the white community, and compare to the police resources and tactics used in those respective communities.
 - c) The presence of DTF officers, driving in unmarked vans and dressed in paramilitary clothes, is perceived by many in the Black community as “menacing, threatening, and dangerous.” The tactics of police stops are even more frightening to many witnesses.²
3. Ban the four-way search clause. Even if police have the legal authority to search anyone on parole or probation, searches should be limited to cases in which there is reasonable suspicion. Random stops including searches are humiliating and alienating, as well as tainting to prosecution that results from the search. Officers must report a reasonable and accurate underlying cause for the stop.
4. Ban handcuffing of civilians prior to arrest.
5. Promote a model of public safety that does not rely on militaristic tools and techniques, which have a disparate impact on African Americans and people of color throughout Berkeley.
6. Work to restore mental health funding on an urgent basis. Promote the use of mental health professionals in mental health crisis calls.
7. Convene an inclusive task force of community people, commissioners, academics, and staff to prepare a community consultation within three months to hear

¹ The problem of hard drug dealing has greatly receded in South Berkeley since the 1980s. However, the focus on drug crime remains useful as a justification for intensive police presence. Nationally, the discredited Reagan-era “War on Drugs” contributes to over-policing and mass incarceration, disrupting family and community life in African American communities. “End the War on Drugs,” 2011 series, ACLU, <https://www.aclu.org/end-war-drugs>

² Elements of a typical Drug Task Force stop include a pullover on a minor pretext, a search not just of the driver but of all passengers, ordering all passengers out of the car, routine handcuffing of anyone being questioned, often concluding with no ticket or arrest. “Town Hall Meeting, Summary and Recommendations,” Berkeley NAACP.

proposed solutions for the following problems highlighted by #BlackLivesMatter, with recommendations to come back to Council in September 2015:

- a) The militarization of American policing, and its reflection in Berkeley in both military-style technology and militaristic tactics. Review BPD participation in federal equipment procurement programs and the Urban Shield exercise and weapons show.
 - b) Community experience of racial profiling or race-based policing in Berkeley.
 - c) The purpose and practice of the BPD's Drug Task Force, its rationale in a low-ebb period for drug-related crime, and its particular impact on the African American community.
 - d) County and state practice on police misconduct, with attention given to the potential for investigators and prosecutors independent of the District Attorney.
 - e) Civilian oversight and review of policing; what can be done to strengthen the role of the PRC within current law, and to press for changes to state law where appropriate; in particular, Peace Officers Bill of Rights (POBOR), California Penal Code Section 832.7-8 and its interpretation by the California Supreme Court in *Copley Press v. Superior Court*.
 - f) Surveillance practices or technology in use or contemplated in Berkeley, and relationship with the intelligence fusion network (NCRIC). Potential or proposed use of license-plate readers and drones.
 - g) Alternative, positive (restorative) modes of public safety and conflict reduction appropriate to Berkeley.
 - h) A broader Racial Justice Plan for Berkeley to address the underlying problems of disparity, disenfranchisement, disempowerment, and discrimination.
8. Promote police accountability and civilian oversight by use of one or more of these structures:
- a) A strengthened Police Review Commission.
 - b) A powerful Police Commission as in San Francisco.
 - c) A council subcommittee on public safety as in Oakland.